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December 2, 1980

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ARIZONA ATTORNEY GENERAL

Mr. William Jamieson, Jr., Director
Arizona Department of Economic Security
P. O. Box 6123
Phoenix, Arizona 85005

Re: I80 - 201 (R80-171)

Dear Mr. Jamieson:

In your letter of July 28, 1980, you asked whether a newly effective statutory section, A.R.S. § 46-452(B), which prohibits the Department of Economic Security ("DES") and protective services workers employed by DES from being appointed as guardian, conservator or temporary guardian, is in conflict with other statutory provisions allowing the department or its employees to act as guardian.

The apparent intent of the legislature in enacting A.R.S. § 46-452(B) was to prohibit adult protective services workers from being appointed as guardian when an adult protective services worker has filed for appointment of same. There is no indication that the legislature intended this statute to restrict the activities of the Department in areas other than Adult Protective Services.

We therefore conclude that A.R.S. § 46-452(B) does not prohibit DES or its employees from acting as guardian or conservator in areas where they are specifically authorized by statute to do so.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:cp